



Appeal Decision

Site visit made on 18 September 2018

by **Paul Cooper MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 November 2018

Appeal Ref: APP/F4410/W/18/3203341

Land adjacent Pear Tree Farm, Bubup Hill, Loversall, Doncaster

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Derek Lupson against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 17/02461/FUL, dated 6 September 2017, was refused by notice dated 27 March 2018.
 - The development proposed is the erection of 3 detached houses with attached and detached garages on approx. 0.18ha of land.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have substituted the address of the appeal site for that used on the Council's decision notice. The application form incorrectly copied the appellant's home address in the site address details rather than those of the appeal site. The correct address was used by the Council, and was advertised as such. The appeal form submitted by the appellant utilised the correct address.
3. I have substituted the description of development given by the appellant for that used by the Council in the Decision Notice. This summarises the development rather than the general background narrative presented in the application
4. The revised National Planning Policy Framework was published during this appeal. Both parties were given the opportunity to comment on the relevance of this to their cases.
5. I have noted that the appellant has submitted a revised plan with the appeal (DLL-Revised) dated 27 April 2018. This plan is a significant alteration, in order to overcome the reasons for refusal, from the plan submitted to the Council at application stage ((DLL-02) dated 31 July 2015). This revised plan includes, amongst other changes, a reduction in the number of dwellings from three to two. The Council had the opportunity to comment on the plans, and did so within its statement. It considers that the reduction in the number of dwellings is a substantial alteration which would necessitate the submission of a revised planning application to the Council in the first instance, when public consultation could be undertaken. I concur with the views of the Council, and therefore in the interests of natural justice, I cannot accept this revised plan and I will deal with the appeal on the basis of the plans as originally submitted.

Main Issues

6. The main issue in this case are:

- Whether or not the proposed development is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the policies in the Development Plan;
- The effect of the proposed development on the openness of the Green Belt;
- Whether the proposed development would preserve or enhance the character or appearance of the Loversall Conservation Area;
- The effect of the development on highway safety;
- The effect of the development on protected trees; and,
- If the development is deemed inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development within the Green Belt

7. Paragraphs 143-145 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Subject to specific exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. This is echoed within Policy CS3 of the Doncaster Council Core Strategy (adopted 2012) (the CS) which states that national policy on Green Belts will be applied, including the presumption against inappropriate development other than in very special circumstances. Given the consistency with the Framework, I afford this policy substantial weight.
8. I observed that the site is a grassed area of land, and bound by a mix of vegetation and stone walling. The properties around the site are generally stone built, with clay tiled roofs. Opposite the site, there is a modern cul-de-sac development of brick built properties (Skipwith Close).
9. I note the comments of the applicant that the site should not be considered as Green Belt as it forms part of his extended garden. The designation of Green Belts is taken to cover whole areas, and generally private gardens form part of that coverage. In this instance, the Green Belt allocation covers the whole village and as such the Green Belt designation of the appeal site is correct.
10. The village of Loversall is allocated as a Defined Village in Policy CS2 of the CS where new development will be limited to 'quality infill' only. This is reinforced in Saved Policy ENV3 of the Doncaster Unitary Development Plan (adopted 1998) (the UDP) which allows limited infilling in villages.

11. The appeal site is located on the edge of the village, separated from other development. Therefore I cannot consider the site to be suitable for infill development as set out in the CS or the UDP, or paragraph 145 of the Framework, nor does it meet any of the other exceptions listed. As a result, the development of the appeal site in the manner proposed is considered to be inappropriate development within the Green Belt. Before considering whether very special circumstances exist, it is necessary to consider whether there is any other harm.

The effect of the proposal on the openness of the Green Belt

12. Paragraph 133 of the Framework identifies that openness and permanence are the two essential characteristics of Green Belts. I have considered the appellant's contention regarding the existing screening of the site from the landscaping and vegetation around the edge of the site and that the proposals would not compromise the openness of the Green Belt to any tangible degree. However openness essentially relates to the freedom from development measured by the quantum and extent of development and its physical effect on the appeal site, as well as wider visual implications.
13. In this instance, the development of the site with three dwellings would contribute to urban sprawl on an existing undeveloped and open site on the edge of the village, which is a prominent site when entering into the village from the A60. Therefore, the proposal would result in a substantial impact on the openness of the Green Belt even with the presence of the existing screening to the site, as this does not totally block the site from view despite the existing vegetation.
14. For the reasons above the proposed development would compromise the openness of the Green Belt and would be contrary to Policy CS3 (C) of the CS which states that proposals outside of development allocations will only be supported where they preserve the openness of the Green Belt; and the guidance set out at paragraph 133 of the Framework.

Whether the development would preserve or enhance the character or appearance of the Loversall Conservation Area

15. In the exercise of planning functions, the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Paragraph 193 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In seeking to ensure that new development contributes to the preservation or enhancement of the character or appearance of Conservation Areas, Policy ENV25 of the UDP complies with the Framework.
16. The locality is characterised by traditional linear stone dwellings with clay tile roofs and the village appears to have grown in an organic manner. The need to create a new access opening to Plots 1 and 2 would be harmful to the character and appearance of the Conservation Area by the removal of a large section of frontage stone wall, which is a key characteristic of the Conservation Area contributing to its significance. In conjunction with the need to cut back the vegetation to the frontage, it would give more of a suburban character to the appeal site than the current spacious green area, with extensive vegetation.

17. The design of the dwellings, with broad frontages, shallow roof pitches and gable projections would be out of character and incongruous within the Conservation Area, in which the properties generally have narrower frontages, steeper roof profiles and are of simpler, more linear design.
18. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the Conservation Area as a designated heritage asset. Accordingly, there would be conflict with the requirements of Policy ENV25 of the UDP which seeks to ensure that new development contributes to the preservation or enhancement of the character or appearance of Conservation Areas.
19. I find that the harm to the Conservation Area is less than substantial. The Framework makes clear in paragraph 196 that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. In respect of paragraph 196 of the Framework, I am satisfied on the basis of the evidence provided that the provision of housing on this site within the Green Belt cannot therefore amount to a public benefit which would outweigh the harm to the heritage asset.
20. I accept that the appeal site is located relatively close to local services and facilities, as well as public transport routes, and as a consequence the site could be reasonably described as occupying an accessible location in that context. This would weigh in support of the development. I acknowledge that the proposals would be likely to result in some limited economic benefit during the construction period and whilst the provision of additional housing would weigh in favour of the proposed development, the scale of the proposal limits the overall contribution to three units, and as such, I can only attach limited weight to these matters. Therefore given that the Framework attaches great weight to the conservation of heritage assets, the limited benefits of additional housing would not in this instance outweigh the resulting harm to the Conservation Area.

The effect of the development on highway safety

21. The appeal proposal would require the creation of a new access onto Bubup Hill. Whilst the submitted plans show the access, no visibility splays were included on the plans to demonstrate that this access could be utilised in a manner that would be acceptable in highway safety terms. Without that information, it cannot be confirmed that the development would be serviced in a safe and suitable manner, and as such the proposal is contrary to Policy CS14 (A) of the CS which, amongst other matters, deals with the safety and security of the highway.

The effect of the development on protected trees

22. The appeal site contains a tree covered under a Tree Preservation Order (TPO). On the submitted plans, Plot 2 is shown to be extremely close to the protected tree. Whilst the appellant's tree survey has not been supplied as part of the appeal statement, I note that the Council's Tree Officer has stated that Plot 2 would undoubtedly be located within the Root Protection Zone (RPZ) for that tree. Furthermore, the tree has been identified as being of high quality with a life expectancy of at least 40 years. From my site visit, it was immediately apparent that the tree in question is a quality specimen, and it makes a

positive contribution to the character and appearance of the area. Given the additional likely disturbance to the RPZ of the tree from the driveway to plot 3 then, in the evidence of absence to the contrary, the siting of a dwelling within the RPZ of the tree has the potential to cause harm to the protected tree which would be contrary to policies ENV21 and ENV59 of the UDP. Together, these seek to protect and conserve existing trees and require that new development does not cause unnecessary loss of trees, nor imperil trees by building works.

Whether the harm by reason of inappropriateness, and any other harm, would clearly be outweighed by other considerations

23. I have identified that the proposal would amount to inappropriate development in the Green Belt, and the presumption against inappropriate development means that this harm alone attracts substantial weight. The development would also have an adverse effect on the openness of the Green Belt and would contribute to urban sprawl by introducing development on this site. The development would therefore be contrary to the purposes of the Green Belt as set out in the Framework. Furthermore, I have found harm to a protected tree and the character and appearance of the Conservation Area.
24. I note the comments of the appellant with regard to a proposed development and business park proposed to be built near the village, but evidence provided by the Council in response to this matter states that this proposed development was identified in the UDP that was adopted in 1998, and no firm proposals have ever been advanced to progress the scheme. Therefore I attach very limited weight to this matter.
25. I also note the comment of the applicant with regard to empirical evidence of previous development on the appeal site. I have no formal evidence in front of me, and as such, I cannot attach any weight to this matter.
26. There are, as I have found above, benefits relating to the construction process, local expenditure by future residents and a contribution to local housing supply in an accessible location, which attract limited positive weight given the scale of the proposal.
27. Therefore, in summary, these considerations do not clearly outweigh the identified harm to the Green Belt and the other harms that I have identified. Consequently the very special circumstances necessary to justify this development do not exist.

Conclusion

28. For the reasons above, and having regard to all other matters raised, I conclude that the appeal must be dismissed.

Paul Cooper

INSPECTOR